

Message Text

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PAGE 01 STATE 081564

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ORIGIN EB-11

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FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA

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E.O. 11652: N/A

TAGS: ETRN, CA

SUBJECT:

REF: OTTAWA 1054

1. EMBASSY REQUESTED PURSUE QUESTION OF DESIGNATING AND LICENSING CARRIERS UNDER NONSCHEDULED AIR SERVICE AGREEMENT, DRAWING ON THIS MESSAGE.

2. RE PARA 1 REFTTEL, WE RECOGNIZE IT WOULD BE APPROPRIATE IN CASE OF CARRIERS WHO OPERATE LARGE AIRCRAFT (NONE OF WHOM ARE BELIEVED NOW TO HOLD 9-4 LICENSES) FOR ATA ACT UPON INDIVIDUAL APPLICATIONS FOR 9-4 LICENSES BY SUCH DESIGNATED US CARRIERS. THERE ARE, HOWEVER, LARGE NUMBER OF US AIR TAXI OPERATORS WHOSE 9-4 LICENSE APPLICATIONS FOR AIRCRAFT UP TO 18,000 POUNDS ARE NOW PENDING AT ATC (ACTION PRESUMABLY HAVING BEEN DEFERRED PENDING SIGNATURE OF AGREEMENT). WE SUGGEST THAT THESE APPLICATIONS BE TREATED AS APPLICATIONS FOR NEW AUTHORITY AVAILABLE UNDER AGREEMENT (E.G., NO LIMITATION TO 50 MILE RADIUS OF A SINGLE BASE, ALL POINTS IN CANADA ON US ORIGINATIONS) AND PROCESSED EN BLOC FOR ALL CARRIERS IN THIS GROUP

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PAGE 02 STATE 081564

WHICH ARE ALSO DESIGNATED. SIMILARLY, WE SUGGEST THAT

UPGRADING OF AUTHORITY FOR PRESENT HOLDERS OF 9-4 LICENSES BE PROCESSED IN SOME PRO FORMA FASHION. WE ALSO SUGGEST THAT LICENSE AND PERMIT RIGHTS BE TIED TO LIFE OF AGREEMENT.

IT WOULD SEEM TO BE IN BEST INTEREST OF BOTH GOVERNMENTS, AS WELL AS CARRIERS, TO MINIMIZE PAPER PROCESSING BY RESPECTIVE FOREIGN AFFAIRS AND REGULATORY AGENCIES NORMALLY INVOLVED IN TRANSMITTAL OF AND ACTIONS ON LICENSE APPLICATIONS OR AMENDMENTS AND RENEWALS UNDER AN AGREEMENT. FOREGOING STEPS WOULD ASSIST THIS DIRECTION.

3. RE PARA 2 REFTTEL, USG WILL PROVIDE ADDRESSES AND REQUEST CANADIANS DO SAME FOR CANADIAN CARRIERS DESIGNATED. WE APPRECIATE ATC INTENT SEND INDIVIDUAL INSTRUCTION FORMS TO FACILITATE APPLICATIONS FOR LICENSES. HOWEVER, WITH REGARD TO "SMALL AIRCRAFT" AUTHORIZATIONS, WE CONTINUE HOPE CTC WILL ITSELF INITIATE ACTION MINIMIZE PAPERWORK BURDENS ON ALL CONCERNED.

4. RE PARA 4 REFTTEL, WE WOULD HOPE THAT LICENSES ISSUED, OR ATC REGULATIONS, WOULD PROVIDE MECHANISM FOR WAIVERS TO ENTERTAIN OCCASIONAL APPLICATIONS TO ORIGINATE TRAFFIC IN CANADA WITH AIRCRAFT UNDER 18,000 POUNDS OUTSIDE CARRIER'S TWO CHOSEN ADJACENT PROVINCES. ANNEX A, SECTION V(E) IS RELEVANT IN THIS RESPECT.

5. RE PARA 4 REFTTEL, US AIR TAXI OPERATORS HAVE HAD CAB AUTHORITY OPERATE AIRCRAFT UP TO THE "SMALL AIRCRAFT" LIMITS DEFINED IN ANNEX A OF AGREEMENT SINCE SEPTEMBER 17, 1972. MAJORITY HAVE NOT CHOSEN PURCHASE AND OPERATE "SMALL AIRCRAFT" IN 18,000 - 35,000 POUND RANGE, PRESUMABLY BECAUSE OF LIMITED FINANCES, LIMITED MARKETS, AND RELATIVE UNAVAILABILITY OF AIRCRAFT IN THIS RANGE. HOWEVER, WE ASSUME THAT UPGRADING EQUIPMENT (WITHIN THE AGREED LIMITATIONS) WILL CONTINUE TO BE SOLELY MANAGEMENT DECISION. AGAIN, WE SEE ROLE OF GOVERNMENTS AS MINIMIZING PAPER PROCESSING AND LICENSING REQUIREMENTS FOR THESE CARRIERS TO THAT REALLY NECESSARY FOR PROPER REGULATION. ACCORDINGLY, USG PLANS DESIGNATE THE QUALIFIED US AIR LIMITED OFFICIAL USE

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PAGE 03 STATE 081564

TAXI OPERATORS FOR ALL SERVICES PERMITTED FOR "SMALL AIRCRAFT" OPERATIONS UNDER AGREEMENT. WE HOPE IT WILL NOT BE NECESSARY FOR SUCH CARRIERS APPLY FOR SEPARATE 9-4 LICENSES FOR AIRCRAFT IN THE 18,000 - 35,000 POUNDS RANGE AND THAT THEY WILL RECEIVE A SINGLE LICENSE (WITH, OF COURSE, WHATEVER RESTRICTIONS HAVE BEEN AGREED TO FOR EACH OF THE TWO RANGES WITHIN THE "SMALL AIRCRAFT" CATEGORY). FYI. AGREEMENT DOES NOT, OF COURSE,

PRECLUDE CANADIAN AUTHORITIES FROM REQUIRING SEPARATE APPLICATIONS AND ISSUING SEPARATE LICENSES FOR OPERATIONS UP TO 18,000 POUNDS AND OPERATIONS BETWEEN 18,000 AND 35,000 POUNDS AND ATC MAY INSIST UPON DOING SO TO

PROTECT IT AGAINST DOMESTIC PRESSURES FROM CANADIAN AIR TAXIS TO HAVE SIMILARLY UPGRADED AUTHORITY. END FYI.

6. RE PARA 5 REFTEL QUIRT STATEMENT ON DESIGNATION OF CANADIAN CARRIERS APPEARS BE PRECISELY WHAT WE WERE HOPING AVOID BY BEGINNING PRE-SIGNING DISCUSSION ON DESIGNATION. WE VIEW DESIGNATION UNDER AN AGREEMENT AS QUITE DIFFERENT MATTER FROM DOMESTIC LICENSING. THUS SEVERAL US ROUTE CARRIERS WILL BE DESIGNATED UNDER ROUTE AGREEMENT FOR ROUTES WHICH CONTAIN COTERMINALS BETWEEN WHICH THEY DO NOT POSSESS CAB AUTHORITY. THEY CANNOT, OF COURSE, PERFORM OPERATIONS FOR WHICH THEY DO NOT HAVE USG AUTHORITY. SIMILARLY, WE DO NOT VIEW DESIGNATION BY CANADA OF A CANADIAN FIXED BASE OPERATOR SIMPLY FOR "SMALL AIRCRAFT" OPERATIONS UNDER AGREEMENT (AND WITH NO FURTHER QUALIFICATIONS) AS CONFERRING ANY NEW AUTHORITY UPON SUCH OPERATOR. HIS CANADIAN AUTHORITY, SUCH AS LIMITATION TO CERTAIN BASE IN CANADA, OR CERTAIN AREAS IN UNITED STATES, WILL GOVERN. A CONDITION COULD ALSO BE PUT IN OPERATOR'S CAB PERMIT LIMITING SUCH OPERATOR'S US AUTHORITY TO THAT GRANTED TO IT BY ATC, ALTHOUGH SUCH CONDITION HAS SELDOM BEEN THOUGHT NECESSARY SINCE PRESUMPTION EXISTS THAT MOST RESTRICTIVE CONDITIONS OF EACH LICENSE (HOMELAND AND FOREIGN ISSUED) WILL PREVAIL. IF, HOWEVER, CANADIAN NOTE MAKING DESIGNATIONS WERE TO INCLUDE LIMITING CLAUSE AS SUGGESTED IN PARA
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